



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,303	11/19/2003	James Economy	ILL04-030-US	6472
43320	7590	12/07/2005	EXAMINER	
EVAN LAW GROUP LLC 566 WEST ADAMS, SUITE 350 CHICAGO, IL 60661			EDWARDS, NEWTON O	
			ART UNIT	PAPER NUMBER
			1774	
DATE MAILED: 12/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/717,303	<b>Applicant(s)</b> ECONOMY ET AL.	
	<b>Examiner</b> N Edwards	<b>Art Unit</b> 1774	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-37 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 1774

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13 and 20-24, drawn to a method, classified in class 366 or 264, subclass various.
- II. Claims 14-18, and 19, drawn to a composite with fiber and borazine and a composite with carbon fibers and boron nitride a, classified in class 428 or 501, subclass various.
- III. Claims 25 and 26, drawn to a composite with perform and borazine, classified in class 428 or 501, subclass various.
- IV. Claims 27, 28, 31-35, 36, and 37, drawn to an aircraft with brake, a brake, a method of decelerating, a composite material with 3D needled carbon fiber perform, classified in class 188 or 244 or 501, subclass various.
- V. Claims 29 and 30, drawn to a composite having CVI infiltrated carbon fiber perform, classified in class 501 or 428, subclass various.

2. The inventions are distinct or independent, each from the other because:

The composite of group V requires a CVI infiltrated carbon fiber performs while groups II, III, and group IV does not.

The inventions and composite of group IV require a 3D needled carbon fiber perform while group V, group II, and group III does not.

The composite of group III requires perform and borazine while group V, IV, and group II does not.

The composite of group II requires a carbon fibers and boron nitride while groups V, IV, and group III does not.

Art Unit: 1774

Therefore the composite of group II-V are unrelated and independent inventions since they have different effects (combinations in the composite) or different functions as shown above (MPEP 808.01 and MPEP 806.06).

On the other hand, the composite of group II-V are distinct as claimed for the reason given above due to the divergent subject matter as claimed.

3. Inventions group I and group II-V are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the products as claimed can be made by another materially different method such as providing, mixing, heating, heating with mixing, and molding.


4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. A telephone call was made to Paul Rauch (38,591) on 12/5/05 to request an oral election to the above restriction requirement, but did not result in an election being made.

Art Unit: 1774

Any inquiry concerning this communication should be directed to N Edwards at telephone number 571-272-1521.



N Edwards  
Primary Examiner  
Art Unit 1774